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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,571	10/24/2003	Shigeru Nemoto	244423US2	6949
22850 7590 03/26/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER VU, QUYNH-NHU HOANG				
ART UNIT 3763		PAPER NUMBER		
NOTIFICATION DATE 03/26/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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# Office Action Summary

**Application No.**

10/691,571

**Applicant(s)**

NEMOTO, SHIGERU

**Examiner**

QUYNH-NHU H. VU

**Art Unit**

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 and 18-20 is/are pending in the application.  
4a) Of the above claim(s) 3, 4, 6-13, 16 and 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 5, 14-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

Amendment filed on 1/21/09 has been entered.

Claims 1, 2, 5, 14-15 are present for examination.

Claims 3-4, 6-13, 16, 18-20 are withdrawn.

Claims 17 and 21-29 are cancelled.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bae et al. (US 6,055,985) in view of Nishizawa (US 6,618,041).

Bae discloses a liquid injector comprising: image displaying means for displaying a plotting chart image having a vertical axis and a horizontal axis (Figs. 1-10B). In order to make the graph image display in Figs. 1-10A, the device must be including of graph entering means for accepting an input action to enter an injection graph having chronologically changing injection conditions into the displayed plotting chart image (Figs 3 or 5; the injection rate (ml/s) vs. with different times in sec); graph storing means for storing data of the entered injection graph, for example, it can store the data and make another two or three or many different curve or graphics in the same chart; graph displaying ; graph displaying means for displaying an image of the entered injection graph whose date is stored on said displaying plotting chart image; and injection control means for controlling operation of the injection performing means in real time according to the entered injection graphs. Bae further states that a control console 24 which maybe a LCD display to provide for operator input and control of the injector, and a stand 26 with a base 28

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containing the computer or other digital controller (col. 11, lines 35-39). As know that, nowadays, it is very well-known in the LCD display provided the touch panel display.

Although Bae does not specifically mention that a touch panel, Nishizawa discloses that a computer device comprising a touch panel-type display screen that display data and accepts input actions 21, 32, 33; the image display means 31; the graphic entering means displayed on the touch panel (Figs. 3-6).

It would have thus been obvious to one of ordinary skill in the art to include the touch panel that displays data and accepts input actions disclosed in Nishizawa in the device of Bae to achieve the claimed invention. As disclosed in Nishizawa, the motivation for the combination would be to input or able to adjust the numeric value can shorten the total time and precise of inputting operation of the numeric value and avoid leading to the deterioration of productivity.

Regarding claim 2, a times measuring means; said image displaying means comprising means for displaying said plotting chart image whose vertical axis represents liquid injection rates and horizontal axis represent liquid injection times (Figs. 3 & 5A); said graph entering means comprising means for accepting an input action to enter said injection graph which represents a liquid injection rate at each liquid injection time into said plotting chart image; said injection control means comprising means for controlling operation of said injection performing means in real-time according to the measured time and said entered injection graph (col. 11, lines 25+).

Regarding claim 5, Bae further discloses the quantity of injected by a uniphase or multiphase injection (see Figs. 1-, 4, 5B, 6-10B). Therefore, it must be include the quantity of injection liquid.

Regarding claims 14-15, Bae discloses the invention substantially as claimed. Bae further discloses that the injection performing including a desired interval of an injection routine (claims 1 or 9 of Bae). As interval time, the injection routine or injection pattern must be interrupted or inactivated period.

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Bae does not clearly performing or entering the period for interrupting the injection of the liquid into the displayed injection graph.

Since Bea is able to bring up the date into the graphic, therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to try or modify the device of Bea with graphic as in claims 5, 14-15 into the display is for the purpose of intending use.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-2, 5, 14-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUYNH-NHU H. VU whose telephone number is (571)272-3228. The examiner can normally be reached on 6:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas D Lucchesi/  
Supervisory Patent Examiner, Art Unit 3763

Quynh-Nhu H. Vu  
Examiner  
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